

AMENDED IN ASSEMBLY JUNE 13, 2005

SENATE BILL

No. 1110

**Introduced by Committee on Natural Resources and Water
(Senators Kuehl (Chair), Aanestad, Bowen, Dutton,
Hollingsworth, Kehoe, Lowenthal, Machado, Margett, Migden,
and Romero)**

March 29, 2005

An act to amend Section 338 of the Code of Civil Procedure, to amend Sections 65040.2, 65352.3, 65560, and 65562.5 of the Government Code, to repeal Section 85.3 of the Harbors and Navigation Code, to add Section 1744 to the Labor Code, to amend Section 20676 of the Public Contract Code, to amend Sections 2207, 4561.5, and ~~42240~~ of 31220, and 42240 of, to add Sections 5003.13, 31165, and 31316 to, and to repeal Sections 665, 733, 2797, 4535, 4561.6, 5072.3, 29411, 29412, and 30521 of, the Public Resources Code, relating to public resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 1110, as amended, Committee on Natural Resources and Water. Public resources.

(1) *Existing law requires an entity, as defined, proposing a project that would alter a streambed to submit prescribed plans and other information to the Department of Fish and Game and to follow prescribed procedures. Existing law provides that the Attorney General, a district attorney, or a city attorney may seek a civil penalty, within 3 years, against an entity for violating an agreement or a memorandum of understanding (MOU) allowing that entity to carry out the project that was executed before January 1, 2004.*

This bill would provide that the Attorney General, a district attorney, or a city attorney has 3 years to commence an action to

recover civil penalties against an entity for violating the agreement or MOU that was executed on or after January 1, 2004. The bill would also provide a 3-year statute of limitations for an action seeking a civil penalty against an entity that violates a requirement related to the alteration of a streambed.

(2) Existing law, contain specified provisions relating to the protection of Native American places, features, and objects.

This bill would make a technical nonsubstantive change in those provisions.

~~(2)~~

(3) Existing law appropriated from the Harbors and Watercraft Revolving Fund for the fiscal year ~~1970-71~~ 1970-71 a sum not to exceed \$150,000 to the Department of Boating and Waterways for expenditure for contract authority for the purposes of establishing economic justification, making financial and engineering feasibility determinations, and preparing those plans and costs estimates as may be necessary to justify budget proposals or appropriate expenditures, for specified boating and waterway projects.

This bill would repeal those obsolete provisions.

(4) *Existing law requires that public work projects of more than \$1,000 to pay employees of a private contractor working on these projects the prevailing wage rate of per diem wages for work of a similar character in the locality in which the public work is performed.*

This bill would provide that chartered a city providing water or wastewater service to disadvantaged communities, as defined, or neighboring communities outside of its boundaries that are unable to meet specified health and safety standards would not, by itself, trigger the prevailing wage requirements for public work projects of the chartered city.

~~(3)~~

(5) Existing law relating to contracting by local agencies prohibits operators of surface mines in California, whose operations are not identified in specified lists, from selling mined material produced from a surface mining operation subject to the Surface Mining and Reclamation Act of 1975 to a local agency.

This bill would define “local agency” for those purposes. This bill would also provide that this prohibition applies to a sale of that mined material to a contractor when the contractor is acting on behalf of, or

pursuant to, a contract with a local agency, or otherwise intends to use the mined material on a project of a local agency.

(4)

(6) Existing law, the Surface Mining and Reclamation Act of 1975, authorizes the State Mining and Geology Board to impose a fee of \$5 per ounce of gold and 10¢ per ounce of silver mined within the state for deposit into the Abandoned Mine Reclamation and Minerals Subaccount in the Mine Reclamation Account to be expended for specified purposes regarding abandoned mined lands. That act requires the Director of Conservation, not later than January 1 of each year, to report to the Legislature on any abandoned mine remediation projects that are proposed for the following fiscal year.

This bill would provide that fees collected pursuant to the act may also be used to remediate features of historic abandoned mines, as defined, and lands that they impact. The bill would also eliminate the reporting requirement for abandoned mine remediation projects.

(5)

(7) Existing law required that members first appointed to the State Mining and Geology Board, the State Board of Forestry and Fire Protection, and the members of fire protection district technical committees expired on specified dates.

This bill would repeal those obsolete provisions.

(6)

(8) Existing law required the State Board of Forestry and Fire Protection, before January 1, 1975, after a public hearing, to adopt, and authorizes the board from time to time, after a public hearing, to amend permanent stocking standards applicable to commercial timberland where the growing timber does not meet certain acceptable stocking standards, as enumerated.

This bill would revise those provisions to delete the obsolete reference to the date before which the board, after a public hearing, was required to adopt those permanent stocking standards.

(7)

(9) Existing law required the State Board of Forestry and Fire Protection to adopt specified rules prior to January 1, 1976, to specify certain stocking standards to be maintained or established after timber operations on timberlands that have been substantially damaged by fire, insects, disease, wind, flood, or other substantial damage caused by an act of God, as provided.

This bill would repeal those provisions.

~~(8)~~

(10) Existing law authorizes the Director of Parks and Recreation to grant, in trust and subject to prescribed conditions, all of the rights, title, and interest of the state in specified lands to specified counties for beach, park, and recreational purposes.

This bill would authorize the director to grant, in trust and subject to specified agreement between the Department of Parks and Recreation and the County of Santa Cruz, an easement to a specified portion of Aptos Creek Road in the County of Santa Cruz.

(11) Existing law required the Director of Parks and Recreation to prepare and transmit to the Legislature, no later than January 1, 1997, a proposed plan for the development and operation of a statewide system of recreation trails.

This bill would repeal that obsolete provision.

~~(9)~~

(12) Existing law required certain local governments, districts, and the Solano County Local Formation Commission to prepare, before July 1, 1978, and to submit to a State Lands Commission, before January 1, 1979, a local protection program for the preservation of Suisun Marsh.

This bill would repeal those obsolete provisions.

~~(10)~~

(13) Existing law provides that the California Coastal Zone Conservation Commission shall give priority to local coastal programs meeting certain requirements that are within areas designated as pilot project areas by the commission between August 31, 1976, and October 31, 1976.

This bill would repeal that provision.

~~(11)~~

(14) Existing law authorizes the State Coastal Conservancy to undertake projects and award grants related to the protection and restoration of coastal watershed and coastal and marine habitat water quality that meet objectives, as specified.

This bill would authorize the conservancy to fund projects or activities if they are consistent with the California Ocean Protection Act. The bill would also authorize the conservancy to undertake projects and award grants for activities that are compatible with the preservation, restoration, or enhancement of ocean, coastal, or watershed resources, or that facilitate environmental education for

the San Francisco Bay region, urban waterfronts, and other urban coastal watershed areas.

(15) Existing law required the Department of General Services and the Integrated Waste Management Board, in consultation with other affected state agencies, on or before January 1, 1991, to adopt specifications for the purchase of compost by the state, as prescribed.

This bill would delete that obsolete date on or before which the department and the board were required to adopt those specifications for the purpose of composting by the state, and would require the department and board to maintain those specifications.

(16) *The bill would provide that its provisions are severable.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 338 of the Code of Civil Procedure is
2 amended to read:
3 338. Within three years:
4 (a) An action upon a liability created by statute, other than a
5 penalty or forfeiture.
6 (b) An action for trespass upon or injury to real property.
7 (c) An action for taking, detaining, or injuring any goods or
8 chattels, including actions for the specific recovery of personal
9 property. The cause of action in the case of theft, as defined in
10 Section 484 of the Penal Code, of any article of historical,
11 interpretive, scientific, or artistic significance is not deemed to
12 have accrued until the discovery of the whereabouts of the article
13 by the aggrieved party, his or her agent, or the law enforcement
14 agency which originally investigated the theft.
15 (d) An action for relief on the ground of fraud or mistake. The
16 cause of action in that case is not to be deemed to have accrued
17 until the discovery, by the aggrieved party, of the facts
18 constituting the fraud or mistake.
19 (e) An action upon a bond of a public official except any cause
20 of action based on fraud or embezzlement is not to be deemed to
21 have accrued until the discovery, by the aggrieved party or his or
22 her agent, of the facts constituting the cause of action upon the
23 bond.

(f) An action against a notary public on his or her bond or in his or her official capacity except that any cause of action based on malfeasance or misfeasance is not deemed to have accrued until discovery, by the aggrieved party or his or her agent, of the facts constituting the cause of action; provided, that any action based on malfeasance or misfeasance shall be commenced within one year from discovery, by the aggrieved party or his or her agent, of the facts constituting the cause of action or within three years from the performance of the notarial act giving rise to the action, whichever is later; and provided further, that any action against a notary public on his or her bond or in his or her official capacity shall be commenced within six years.

(g) An action for slander of title to real property.

(h) An action commenced under Section 17536 of the Business and Professions Code. The cause of action in that case shall not be deemed to have accrued until the discovery by the aggrieved party, the Attorney General, the district attorney, the county counsel, the city prosecutor, or the city attorney of the facts constituting grounds for commencing such an action.

(i) An action commenced under the Porter-Cologne Water Quality Control Act (Division 7 (commencing with Section 13000) of the Water Code). The cause of action in that case shall not be deemed to have accrued until the discovery by the State Water Resources Control Board or a regional water quality control board of the facts constituting grounds for commencing actions under their jurisdiction.

(j) An action to recover for physical damage to private property under Section 19 of Article I of the California Constitution.

(k) An action commenced under Division 26 (commencing with Section 39000) of the Health and Safety Code. These causes of action shall not be deemed to have accrued until the discovery by the State Air Resources Board or by a district, as defined in Section 39025 of the Health and Safety Code, of the facts constituting grounds for commencing the action under its jurisdiction.

(l) An action commenced under Section 1603.1, 1615, or 5650.1 of the Fish and Game Code. These causes of action shall not be deemed to have accrued until discovery by the agency

1 bringing the action of the facts constituting the grounds for
2 commencing the action.

3 (m) An action challenging the validity of the levy upon a
4 parcel of a special tax levied by a local agency on a per parcel
5 basis.

6 ~~SECTION 1.—~~

7 *SEC. 2.* Section 65040.2 of the Government Code is amended
8 to read:

9 65040.2. (a) In connection with its responsibilities under
10 subdivision (l) of Section 65040, the office shall develop and
11 adopt guidelines for the preparation and content of the mandatory
12 elements required in city and county general plans by Article 5
13 (commencing with Section 65300) of Chapter 3. For purposes of
14 this section, the guidelines prepared pursuant to Section 50459 of
15 the Health and Safety Code shall be the guidelines for the
16 housing element required by Section 65302. In the event that
17 additional elements are hereafter required in city and county
18 general plans by Article 5 (commencing with Section 65300) of
19 Chapter 3, the office shall adopt guidelines for those elements
20 within six months of the effective date of the legislation requiring
21 those additional elements.

22 (b) The office may request from each state department and
23 agency, as it deems appropriate, and the department or agency
24 shall provide, technical assistance in readopting, amending, or
25 repealing the guidelines.

26 (c) The guidelines shall be advisory to each city and county in
27 order to provide assistance in preparing and maintaining their
28 respective general plans.

29 (d) The guidelines shall contain the guidelines for addressing
30 environmental justice matters developed pursuant to Section
31 65040.12.

32 (e) The guidelines shall contain advice including
33 recommendations for best practices to allow for collaborative
34 land use planning of adjacent civilian and military lands and
35 facilities. The guidelines shall encourage enhanced land use
36 compatibility between civilian lands and any adjacent or nearby
37 military facilities through the examination of potential impacts
38 upon one another.

(f) The guidelines shall contain advice for addressing the effects of civilian development on military readiness activities carried out on all of the following:

- (1) Military installations.
- (2) Military operating areas.
- (3) Military training areas.
- (4) Military training routes.
- (5) Military airspace.
- (6) Other territory adjacent to those installations and areas.

(g) By March 1, 2005, the guidelines shall contain advice, developed in consultation with the Native American Heritage Commission, for consulting with California Native American tribes for all of the following:

(1) The preservation of, or the mitigation of impacts to, places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code.

(2) Procedures for identifying through the Native American Heritage Commission the appropriate California Native American tribes.

(3) Procedures for continuing to protect the confidentiality of information concerning the specific identity, location, character, and use of those places, features, and objects.

(4) Procedures to facilitate voluntary landowner participation to preserve and protect the specific identity, location, character, and use of those places, features, and objects.

(h) The office shall provide for regular review and revision of the guidelines established pursuant to this section.

~~SEC. 2.—~~

SEC. 3. Section 65352.3 of the Government Code is amended to read:

65352.3. (a) (1) Prior to the adoption or any amendment of a city or county's general plan, proposed on or after March 1, 2005, the city or county shall conduct consultations with California Native American tribes that are on the contact list maintained by the Native American Heritage Commission for the purpose of preserving or mitigating impacts to places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code that are located within the city or county's jurisdiction.

(2) From the date on which a California Native American tribe is contacted by a city or county pursuant to this subdivision, the tribe has 90 days in which to request a consultation, unless a shorter timeframe has been agreed to by that tribe.

(b) Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Section 65040.2, the city or county shall protect the confidentiality of information concerning the specific identity, location, character, and use of those places, features, and objects.

~~SEC. 3.—~~

SEC. 4. Section 65560 of the Government Code is amended to read:

65560. (a) “Local open-space plan” is the open-space element of a county or city general plan adopted by the board or council, either as the local open-space plan or as the interim local open-space plan adopted pursuant to Section 65563.

(b) “Open-space land” is any parcel or area of land or water that is essentially unimproved and devoted to an open-space use as defined in this section, and that is designated on a local, regional or state open-space plan as any of the following:

(1) Open space for the preservation of natural resources including, but not limited to, areas required for the preservation of plant and animal life, including habitat for fish and wildlife species; areas required for ecologic and other scientific study purposes; rivers, streams, bays and estuaries; and coastal beaches, lakeshores, banks of rivers and streams, and watershed lands.

(2) Open space used for the managed production of resources, including but not limited to, forest lands, rangeland, agricultural lands and areas of economic importance for the production of food or fiber; areas required for recharge of groundwater basins; bays, estuaries, marshes, rivers and streams which are important for the management of commercial fisheries; and areas containing major mineral deposits, including those in short supply.

(3) Open space for outdoor recreation, including but not limited to, areas of outstanding scenic, historic and cultural value; areas particularly suited for park and recreation purposes, including access to lakeshores, beaches, and rivers and streams; and areas which serve as links between major recreation and

1 open-space reservations, including utility easements, banks of
2 rivers and streams, trails, and scenic highway corridors.

3 (4) Open space for public health and safety, including, but not
4 limited to, areas which require special management or regulation
5 because of hazardous or special conditions such as earthquake
6 fault zones, unstable soil areas, flood plains, watersheds, areas
7 presenting high fire risks, areas required for the protection of
8 water quality and water reservoirs and areas required for the
9 protection and enhancement of air quality.

10 (5) Open space in support of the mission of military
11 installations that comprises areas adjacent to military
12 installations, military training routes, and underlying restricted
13 airspace that can provide additional buffer zones to military
14 activities and complement the resource values of the military
15 lands.

16 (6) Open space for the protection of places, features, and
17 objects described in Sections 5097.9 and 5097.993 of the Public
18 Resources Code.

19 ~~SEC. 4.—~~

20 *SEC. 5.* Section 65562.5 of the Government Code is amended
21 to read:

22 65562.5. On and after March 1, 2005, if land designated, or
23 proposed to be designated as open space, contains a place,
24 feature, or object described in Sections 5097.9 and 5097.993 of
25 the Public Resources Code, the city or county in which the place,
26 feature, or object is located shall conduct consultations with the
27 California Native American tribe, if any, that has given notice
28 pursuant to Section 65092 for the purpose of determining the
29 level of confidentiality required to protect the specific identity,
30 location, character, or use of the place, feature, or object and for
31 the purpose of developing treatment with appropriate dignity of
32 the place, feature, or object in any corresponding management
33 plan.

34 ~~SEC. 5.—~~

35 *SEC. 6.* Section 85.3 of the Harbors and Navigation Code is
36 repealed.

37 *SEC. 7. Section 1744 is added to the Labor Code, to read:*

38 1744. (a) (1) *Notwithstanding any other provision of this*
39 *chapter, if a charter city provides water or wastewater services*
40 *to a neighboring disadvantaged community or neighboring*

community outside of its boundaries that is unable to meet the health and safety standards for water services pursuant to Article 1 (commencing with Section 116270) of Chapter 4 of Part 12 of Division 104 or wastewater services pursuant to Article 2 (commencing with Section 5410) of Chapter 6 of Part 3 of Division 12, of the Health and Safety Code, the provision of those waste or wastewater services shall not, solely by virtue of the extra-municipal nature of those services, subject the charter city to the requirements of this chapter.

(2) For the purpose of paragraph (1), “disadvantaged community” means a community with a median household income that is 80 percent or less than the statewide median household income, as determined by one of the following:

(A) The most recent census tract data.

(B) A survey approved by a federal, state, or local agency for a small community where census tract data would not be reflective of the actual community.

(b) Except for water or wastewater services provided under the conditions specified in subdivision (a), nothing in this section shall be construed to relieve a charter city of any prevailing wage requirements that apply to chartered cities pursuant to this chapter.

~~SEC. 6.—~~

SEC. 8. Section 20676 of the Public Contract Code is amended to read:

20676. (a) Operators of surface mines in this state, whose operations are not identified in the list published pursuant to subdivision (b) of Section 2717 of the Public Resources Code, may not sell that California mined material to a local agency.

(b) As used in this section, local agency means any county, city, whether general law or chartered, city and county, town, school district, municipal corporation, district, political subdivision, or any board, commission, or agency thereof, or any other local public agency.

(c) The prohibition in subdivision (a) applies to a sale of mined material to a contractor when the contractor is acting on behalf of, or pursuant to, a contract with a local agency, or otherwise tends to use the mined material on a project of a local agency.

1 ~~SEC. 7.—~~

2 *SEC. 9.* Section 665 of the Public Resources Code is
3 repealed.

4 ~~SEC. 8.—~~

5 *SEC. 10.* Section 733 of the Public Resources Code is
6 repealed.

7 ~~SEC. 9.—~~

8 *SEC. 11.* Section 2207 of the Public Resources Code is
9 amended to read:

10 2207. (a) The owner, lessor, lessee, agent, manager, or other
11 person in charge of any mining operation of whatever kind or
12 character within the state shall forward to the director annually
13 not later than a date established by the director, upon forms
14 furnished by the board, a report that identifies all of the
15 following:

16 (1) The name, address, and telephone number of the person,
17 company, or other owner of the mining operation.

18 (2) The name, address, and telephone number of a designated
19 agent who resides in this state, and who will receive and accept
20 service of all orders, notices, and processes of the lead agency,
21 board, director, or court.

22 (3) The location of the mining operation, its name, its mine
23 number as issued by the Bureau of Mines or the director, its
24 section, township, range, latitude, longitude, and approximate
25 boundaries of the mining operation marked on a United States
26 Geological Survey 7 ½-minute or 15-minute quadrangle map.

27 (4) The lead agency.

28 (5) The approval date of the mining operation's reclamation
29 plan.

30 (6) The mining operation's status as active, idle, reclaimed, or
31 in the process of being reclaimed.

32 (7) The commodities produced by the mine and the type of
33 mining operation.

34 (8) Proof of annual inspection by the lead agency.

35 (9) Proof of financial assurances.

36 (10) Ownership of the property, including government
37 agencies, if applicable, by the assessor's parcel number, and total
38 assessed value of the mining operation.

39 (11) The approximate permitted size of the mining operation
40 subject to Chapter 9 (commencing with Section 2710), in acres.

1 (12) The approximate total acreage of land newly disturbed by
2 the mining operation during the previous calendar year.

3 (13) The approximate total of disturbed acreage reclaimed
4 during the previous calendar year.

5 (14) The approximate total unreclaimed disturbed acreage
6 remaining as of the end of the calendar year.

7 (15) The total production for each mineral commodity
8 produced during the previous year.

9 (16) A copy of any approved reclamation plan and any
10 amendments or conditions of approval to any existing
11 reclamation plan approved by the lead agency.

12 (b) Every year, not later than the date established by the
13 director, the person submitting the report pursuant to subdivision
14 (a) shall forward to the lead agency, upon forms furnished by the
15 board, a report that provides all of the information specified in
16 paragraphs (1) to (14), inclusive, of subdivision (a).

17 (c) Subsequent reports shall include only changes in the
18 information submitted for the items described in subdivision (a),
19 except that, instead of the approved reclamation plan, the reports
20 shall include any reclamation plan amendments approved during
21 the previous year. The reports shall state whether review of a
22 reclamation plan, financial assurances, or an interim management
23 plan is pending under subdivision (b), (c), (d), or (h) of Section
24 2770, or whether an appeal before the board or lead agency
25 governing body is pending under subdivision (e) or (h) of Section
26 2770. The director shall notify the person submitting the report
27 and the owner's designated agent in writing that the report and
28 the fee required pursuant to subdivision (d) have been received,
29 specify the mining operation's mine number if one has not been
30 issued by the Bureau of Mines, and notify the person and agent
31 of any deficiencies in the report within 90 days of receipt. That
32 person or agent shall have 30 days from receipt of the
33 notification to correct the noted deficiencies and forward the
34 revised reports to the director and the lead agency. Any person
35 who fails to comply with this section, or knowingly provides
36 incorrect or false information in reports required by this section,
37 may be subject to an administrative penalty as provided in
38 subdivision (c) of Section 2774.1.

39 (d) (1) The board shall impose, by regulation, pursuant to
40 paragraph (2), an annual reporting fee on, and method for

1 collecting annual fees from, each active or idle mining operation.
2 The maximum fee for any single mining operation may not
3 exceed four thousand dollars (\$4,000) annually and may not be
4 less than one hundred dollars (\$100) annually, as adjusted for the
5 cost of living as measured by the California Consumer Price
6 Index for all urban consumers, calendar year averages, using the
7 percentage change in the previous year, beginning with the
8 2005-06 fiscal year and annually thereafter.

9 (2) (A) The board shall adopt, by regulation, a schedule of
10 fees authorized under paragraph (1) to cover the department's
11 cost in carrying out this section and Chapter 9 (commencing with
12 Section 2710), as reflected in the Governor's Budget, and may
13 adopt those regulations as emergency regulations. In establishing
14 the schedule of fees to be paid by each active and idle mining
15 operation, the fees shall be calculated on an equitable basis
16 reflecting the size and type of operation. The board shall also
17 consider the total assessed value of the mining operation, the
18 acreage disturbed by mining activities, and the acreage subject to
19 the reclamation plan.

20 (B) Regulations adopted pursuant to this subdivision shall be
21 adopted by the board in accordance with Chapter 3.5
22 (commencing with Section 11340) of Part 1 of Division 3 of Title
23 2 of the Government Code. The adoption of any emergency
24 regulations pursuant to this subdivision shall be considered
25 necessary to address an emergency and shall be considered by
26 the Office of Administrative Law to be necessary for the
27 immediate preservation of the public peace, health, safety, and
28 general welfare.

29 (3) The total revenue generated by the reporting fees may not
30 exceed, and may be less than, the amount of three million five
31 hundred thousand dollars (\$3,500,000), as adjusted for the cost of
32 living as measured by the California Consumer Price Index for
33 all urban consumers, calendar year averages, using the
34 percentage change in the previous year, beginning with the
35 2005-06 fiscal year and annually thereafter. If the director
36 determines that the revenue collected during the preceding fiscal
37 year was greater or less than the cost to operate the program, the
38 board shall adjust the fees to compensate for the overcollection
39 or undercollection of revenues.

(4) (A) The reporting fees established pursuant to this subdivision shall be deposited in the Mine Reclamation Account, which is hereby created. Any fees, penalties, interest, fines, or charges collected by the director or board pursuant to this chapter or Chapter 9 (commencing with Section 2710) shall be deposited in the Mine Reclamation Account. The money in the account shall be available to the department and board, upon appropriation by the Legislature, for the purpose of carrying out this section and complying with Chapter 9 (commencing with Section 2710), which includes, but is not limited to, classification and designation of areas with mineral resources of statewide or regional significance, reclamation plan and financial assurance review, mine inspection, and enforcement.

(B) (i) In addition to reporting fees, the board shall collect five dollars (\$5) per ounce of gold and ten cents (\$0.10) per ounce of silver mined within the state and shall deposit the fees collected in the Abandoned Mine Reclamation and Minerals Fund Subaccount, which is hereby created in the Mine Reclamation Account. The department may expend the moneys in the subaccount, upon appropriation by the Legislature, for only the purposes of Sections 2796.5 and 2797.

(ii) Notwithstanding subdivision (j) of Section 2796.5, fees collected pursuant to clause (i) may also be used to remediate features of historic abandoned mines and lands that they impact. For the purposes of this section, historic abandoned mines are mines for which operations have been conducted before January 1, 1976, and include, but are not limited to, historic gold and silver mines.

(5) In case of late payment of the reporting fee, a penalty of not less than one hundred dollars (\$100) or 10 percent of the amount due, whichever is greater, plus interest at the rate of 1 ½ percent per month, computed from the delinquent date of the assessment until and including the date of payment, shall be assessed. New mining operations that have not submitted a report shall submit a report prior to commencement of operations. The new operation shall submit its fee according to the reasonable fee schedule adopted by the board, and the month that the report is received shall become that operation's anniversary month.

(e) The lead agency, or the board when acting as the lead agency, may impose a fee upon each mining operation to cover

1 the reasonable costs incurred in implementing this chapter and
2 Chapter 9 (commencing with Section 2710).

3 (f) For purposes of this section, “mining operation” has the
4 same meaning as “surface mining operation” as defined in
5 Section 2735, unless excepted by Section 2714. For the purposes
6 of fee collections only, “mining operation” may include one or
7 more mines operated by a single operator or mining company on
8 one or more sites, if the total annual combined mineral
9 production for all sites is less than 100 troy ounces for precious
10 metals, if precious metals are the primary mineral commodity
11 produced, or less than 100,000 short tons if the primary mineral
12 commodity produced is not precious metals.

13 (g) Any information in reports submitted pursuant to
14 subdivision (a) that includes or otherwise indicates the total
15 mineral production, reserves, or rate of depletion of any mining
16 operation may not be disclosed to any member of the public, as
17 defined in subdivision (b) of Section 6252 of the Government
18 Code. Other portions of the reports are public records unless
19 excepted by statute. Statistical bulletins based on these reports
20 and published under Section 2205 shall be compiled to show, for
21 the state as a whole and separately for each lead agency, the total
22 of each mineral produced therein. In order not to disclose the
23 production, reserves, or rate of depletion from any identifiable
24 mining operation, no production figure shall be published or
25 otherwise disclosed unless that figure is the aggregated
26 production of not less than three mining operations. If the
27 production figure for any lead agency would disclose the
28 production, reserves, or rate of depletion of less than three
29 mining operations or otherwise permit the reasonable inference
30 of the production, reserves, or rate of depletion of any
31 identifiable mining operation, that figure shall be combined with
32 the same figure of not less than two other lead agencies without
33 regard to the location of the lead agencies. The bulletin shall be
34 published annually by June 30 or as soon thereafter as
35 practicable.

36 ~~SEC. 10—~~

37 *SEC. 12.* Section 2797 of the Public Resources Code is
38 repealed.

1 ~~SEC. 11.—~~

2 ~~SEC. 13.~~ Section 4535 of the Public Resources Code is
3 repealed.

4 ~~SEC. 12.—~~

5 ~~SEC. 14.~~ Section 4561.5 of the Public Resources Code is
6 amended to read:

7 4561.5. The board may from time to time, after a public
8 hearing, amend permanent stocking standards applicable to
9 commercial timberland where the growing timber does not meet
10 the acceptable stocking standards as enumerated in Section 4561.

11 ~~SEC. 13.—~~

12 ~~SEC. 15.~~ Section 4561.6 of the Public Resources Code is
13 repealed.

14 ~~SEC. 16.~~ *Section 5003.13 is added to the Public Resources*
15 *Code, to read:*

16 5003.13. (a) *The director may grant, in trust, an easement,*
17 *subject to an agreement reached between the department and the*
18 *County of Santa Cruz, of 420 feet of Aptos Creek Road as it*
19 *extends northward from Soquel Drive to the County of Santa*
20 *Cruz for beach, park, and recreational purposes.*

21 (b) *The County of Santa Cruz shall use and maintain any*
22 *lands, and any improvements thereon, that are granted to the*
23 *county pursuant to subdivision (a).*

24 ~~SEC. 14.—~~

25 ~~SEC. 17.~~ Section 5072.3 of the Public Resources Code is
26 repealed.

27 ~~SEC. 15.—~~

28 ~~SEC. 18.~~ Section 29411 of the Public Resources Code is
29 repealed.

30 ~~SEC. 16.—~~

31 ~~SEC. 19.~~ Section 29412 of the Public Resources Code is
32 repealed.

33 ~~SEC. 17.—~~

34 ~~SEC. 20.~~ Section 30521 of the Public Resources Code is
35 repealed.

36 ~~SEC. 21.~~ *Section 31165 is added to the Public Resources*
37 *Code, to read:*

38 31165. *In order to benefit the San Francisco Bay region, the*
39 *conservancy may undertake projects and award grants for*
40 *activities that are compatible with the preservation, restoration,*

1 *or enhancement of ocean, coastal, bay, or watershed resources,*
2 *or that facilitate environmental education related to these*
3 *resources. These projects or activities may include, but are not*
4 *limited to, exhibits, or events emphasizing coastal, watershed, or*
5 *ocean resources education, or maritime history, or the*
6 *development of amenities and infrastructure consistent with this*
7 *chapter.*

8 *SEC. 22. Section 31220 of the Public Resources Code is*
9 *amended to read:*

10 31220. (a) In order to improve and protect coastal and
11 marine water quality and habitats, the conservancy may
12 undertake coastal watershed and coastal and marine habitat water
13 quality, *sediment management, and living marine resources*
14 protection and restoration projects or award grants for those
15 projects, consistent with this chapter. Except for projects
16 described in paragraph (7), (8), ~~or (9), or (10)~~ of subdivision (b),
17 the conservancy shall consult with the State Water Resources
18 Control Board in the development of the project or grant to
19 ensure consistency with Chapter 3 (commencing with Section
20 30915) of Division 20.4 of the Public Resources Code.

21 (b) The conservancy may undertake a project or award a grant
22 for a project under this section only if the project does one or
23 more of the following:

24 (1) Reduces contamination of waters within the coastal zone;
25 ~~including, but not limited to, coastal and near shore or marine~~
26 ~~waters.~~

27 (2) Protects or restores fish and wildlife habitat within coastal
28 and marine waters and coastal watersheds, including, but not
29 limited to, permit coordination projects for watershed restoration.

30 (3) Reduces threats to coastal and marine fish and wildlife.

31 (4) Reduces unnatural erosion and sedimentation of coastal
32 watersheds or contributes to the reestablishment of natural
33 erosion and sediment cycles.

34 (5) Provides for monitoring and mapping of coastal currents,
35 marine habitats, and marine wildlife, in order to facilitate the
36 protection and enhancement of resources within the coastal zone.

37 A project considered under this paragraph shall be implemented
38 in consultation with the Department of Fish and Game.

(6) Acquires, protects, and restores coastal wetlands, riparian areas, floodplains, and other sensitive watershed lands, including watershed lands draining to sensitive coastal or marine areas.

(7) Reduces the impact of population and economic pressures on coastal and marine resources.

(8) Provides for public access compatible with resource protection and restoration objectives.

(9) Provides for the construction or expansion of nature centers or research facilities that emphasize conservation education or research activities focusing on the marine portion of the coastal zone or the land and ocean interface.

(10) Provides for projects and activities consistent with Division 26.5 (commencing with Section 35500).

(c) Projects funded pursuant to this section shall *include a monitoring and evaluation component and shall be consistent with the* ~~Integrated~~ *following, if available and relevant to the project:*

(1) Integrated Watershed Management Program established pursuant to Section 30947, local.

(2) Local watershed management plans, if available, ~~and water.~~

(3) Water quality control plans adopted by the State Water Resources Control Board and regional water quality control boards, ~~and shall include a monitoring and evaluation component.~~

SEC. 23. Section 31316 is added to the Public Resources Code, to read:

31316. Within the conservancy's jurisdiction pursuant to this chapter and within urban coastal watershed areas, the conservancy may undertake projects and award grants for activities that are compatible with the preservation, restoration, or enhancement of ocean, coastal, or watershed resources, or that facilitate environmental education related to these resources. These projects or activities may include, but are not limited to, exhibits, or events emphasizing coastal, watershed, or ocean resource education, or maritime history, or the development of amenities and infrastructure consistent with this chapter.

1 ~~SEC. 18.~~—
2 SEC. 25. Section 42240 of the Public Resources Code is
3 amended to read:
4 42240. The Department of General Services and the board, in
5 consultation with other affected state agencies, shall maintain
6 specifications for the purchase of compost by the State of
7 California. The specifications shall designate the state minimum
8 operating standards and product quality standards. The
9 specifications shall be designed to maximize the use of compost
10 without jeopardizing the safety and health of the citizens of the
11 state or the environment.
12 SEC. 26. *The provisions of this act are severable. If any*
13 *provision of this act or its application is held invalid, that*
14 *invalidity shall not affect other provisions or applications that*
15 *can be given effect without the invalid provisions or applications.*
16
17 _____
18 CORRECTIONS:
19 Text – Pages 5, 6, 7, 18, and 19.
20 _____